

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

DERODERIC C. STEPHENS	§	
VS.	§	CIVIL ACTION NO. 9:14-CV-170
ADEBAYO A. ADEROJU, <i>et al.</i> ,	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Deroderic C. Stephens, an inmate confined at the Eastham Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants C/O Adebayo A. Aderoju, Safety Inspection Officer George W. Jansky, Jr., Assistant Warden Sharon D. Allen, Assistant Warden Billy J. Reeves and Warden Charles M. Bell.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Lufkin, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends plaintiff's claims against all the defendants in their official capacity and claims against Jansky, Allen, Reeves and Bell in their individual capacities be dismissed for failure to state a claim and as frivolous.<sup>1</sup>


The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge have been filed to date.

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<sup>1</sup>Plaintiff's claims against defendant Aderoju in his individual capacity shall proceed.

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A partial judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

**SIGNED this 28th day of October, 2015.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE